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Attorney Docket No. 07191.8054
(Honeywell Docket No. 30-3986 DIVI (CPA))

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:

Paul G. CLEMMER et al

Application No.: 08/959,748

Filed: October 28, 1997

For: PROCESS FOR PRODUCTION OF
DIFLUOROMETHANE



Group Art Unit: 1616

Examiner: A. Pryor

Assistant Commissioner for Patents
Washington D.C. 20231

RESPONSE

Applicants provide the following comments in response to the Office Action dated April 24, 2000. A response is due by July 24, 2000.

Claim 1 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner indicates that he was unable to understand Exhibit A of Applicants' Declaration under 37 C.F.R. § 1.131 submitted on February 10, 1999. In particular, the Examiner inquires whether Exhibit A shows the claimed molar ratio of HF:FCICH₂ to be about 100:1. The Examiner notes that the subject application will be placed into interference status once the above matter is clarified or corrected.

While it is believed that the recited molar ratio of HF:FCICH₂ of about 100:1 is supported by Exhibit A, for reasons explained further below, Applicants believe that the remaining information provided in the Rule 131 Declaration by itself removes the WO94/2157

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reference as prior art against the instant claims, and that the claims are therefore in condition for allowance. Nonetheless, Applicants reserve the right to supplement the showing in Exhibit A should it become necessary.

Applicants have established, and the Examiner has not questioned, a reduction to practice of the claimed invention prior to September 29, 1994. See paragraphs 4-6 of the Rule 131 Declaration and Exhibits B-D. Because Applicants' reduction to practice date is prior to September 29, 1994, i.e., the publication date of the WO94/21579 reference, that reference is removed as prior art. Under these circumstances, Applicants are not required to show an earlier conception date, which was the focus of Exhibit A.

For all of the above reasons, Applicants respectfully submit that the rejection under 35 U.S.C. § 112, second paragraph, has been overcome and respectfully request that the rejection be withdrawn. Applicants further request that all claims be placed in condition of allowance and that an interference be declared with U.S. Patent No. 5,672,786.

Respectfully submitted,

Date: July 24, 2000

By: 

Michael R. McGurk
Reg. No. 32,045